

**DRAFT RULE AMENDMENTS
DANGEROUS WASTE REGULATIONS – CHAPTER 173-303 WAC
MARCH 2004**

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**SECTION 3  
Draft Rule Language for Corrective Action**

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| <b>Rule Title:</b>        | <b>Amendments to the Corrective Action Management Unit Rule</b> |
| <b>Reference:</b>         | 67 <u>FR</u> 2962-3029                                          |
| <b>Promulgation Date:</b> | January 22, 2002                                                |
| <b>Effective Date:</b>    | April 22, 2002                                                  |

**Summary:** EPA is amending the 1993 Corrective Action Management Unit (CAMU) rule to facilitate treatment, storage and disposal of hazardous wastes managed for implementing cleanup, and to remove cleanup disincentives that RCRA can create. The 1993 CAMU rule is being revised as follows:

- To govern the types of wastes eligible for placement in CAMUs, a definition for “CAMU-eligible waste” is created, which is distinct from the 40 CFR 260.10 definition of “remediation waste”;
- More detailed minimum design and operating standards for CAMUs in which waste remains after closure, with opportunities for Regional Administrator-approved alternate designs;
- Treatment requirements for wastes placed in CAMUs, including minimum treatment standards, with opportunities for adjustment;
- More specific CAMU application information requirements including public notice and opportunity for comment, before final CAMU determination;
- Requirements for CAMUs used only for treatment and storage; and
- “Grandfathering” of certain types of existing CAMUs and allowing them to operate under the 1993 rule.

With this rule, EPA has also:

- Amended the regulations for staging piles to allow for mixing, blending and other similar physical operations that prepare wastes for subsequent management or treatment;
- **Added a new provision that allows off-site placement of hazardous CAMU-eligible waste in hazardous waste landfills, if treated to meet CAMU treatment standards;**

- Granted interim authorization for the new CAMU amendments, to states currently authorized for the 1993 CAMU rule; and
- Expedited state authorization for the CAMU rule, for states that have authorization for RCRA corrective action but not the 1993 CAMU rule.

#### **WAC 173-303-040**

"Remediation waste" means all solid and dangerous waste, and all media (including ground water, surface water, soils, and sediments) and debris, that are managed for implementing cleanup.

**WAC 173-303-646 Corrective action.** This section includes the following subsections:

|                           |                                                                                  | <u>Old citation</u>       |
|---------------------------|----------------------------------------------------------------------------------|---------------------------|
| <u>WAC 173-303-64610</u>  | <u>Purpose and applicability</u>                                                 | <u>WAC 173-303-646(1)</u> |
| <u>WAC 173-303-64620</u>  | <u>Requirements</u>                                                              | <u>WAC 173-303-646(2)</u> |
| <u>WAC 173-303-64630</u>  | <u>Use of the Model Toxics Control Act</u>                                       | <u>WAC 173-303-646(3)</u> |
| <u>WAC 173-303-64640</u>  | <u>Grandfathered corrective action management units (CAMUs)</u>                  |                           |
| <u>WAC 173-303-64650</u>  | <u>Corrective action management unit (CAMU)</u>                                  | <u>WAC 173-303-646(4)</u> |
| <u>WAC 173-303-64660</u>  | <u>Designation of a corrective action management unit</u>                        | <u>WAC 173-303-646(5)</u> |
| <u>WAC 173-303-64670</u>  | <u>Incorporation of a regulated unit within a CAMU</u>                           | <u>WAC 173-303-646(6)</u> |
| <u>WAC 173-303-64680</u>  | <u>Temporary units (TUs)</u>                                                     | <u>WAC 173-303-646(7)</u> |
| <u>WAC 173-303-64690</u>  | <u>Staging piles</u>                                                             | <u>WAC 173-303-646(8)</u> |
| <u>WAC 173-303-646100</u> | <u>Disposal of CAMU-eligible wastes into permitted hazardous waste landfills</u> |                           |

#### **WAC 173-303-64610 Purpose and applicability.**

(1) The provisions of this section establish requirements for corrective action for releases of dangerous wastes and dangerous constituents including releases from solid waste management units.

(2) The provisions of this section apply to facilities seeking or required to have a permit to treat, store, recycle or dispose of dangerous waste.

(3) The provisions of this section do not apply to cleanup-only facilities.

(4) For purposes of this section, dangerous constituent means any constituent identified in WAC 173-303-9905 or 40 CFR Part 264 Appendix IX, any constituent that caused a waste to be listed as a dangerous waste or to exhibit a dangerous characteristic under this chapter or to meet a dangerous waste criteria under this chapter, and any constituent that is within the meaning of "hazardous substance" under RCW 70.105D.020(7).

### **WAC 173-303-64620 Requirements.**

(1) The owner or operator of a facility must institute corrective action as necessary to protect human health and the environment for all releases of dangerous wastes and dangerous constituents, including releases from all solid waste management units at the facility. Corrective action is required regardless of the time at which waste was managed at the facility or placed in such units and regardless of whether such facilities or units were intended for the management of solid or dangerous waste. Assurances of financial responsibility for such corrective action must be provided.

(2) The owner/operator must implement corrective actions beyond the facility property boundary, where necessary to protect human health and the environment. Additionally, as necessary to protect human health and the environment, the department may require the owner/operator to implement on site measures to address releases which have migrated beyond the facility boundary. Assurances of financial responsibility for such corrective action must be provided.

(3) In the case of a facility seeking or required to have a permit under the provisions of chapter 173-303 WAC, corrective action must be specified in the permit. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completion of such corrective action.

(4) At a minimum, corrective actions must be consistent with the following requirements of chapter 173-340 WAC.

(a) As necessary to select a cleanup action consistent with WAC 173-340-360, 173-340-350, state remedial investigation and feasibility study. Information that is adequate to support selection of a cleanup action consistent with WAC 173-340-360 but was developed under a different authority (for example, as part of closure under WAC 173-303-610 or as part of a federally overseen cleanup) may be used.

(b) WAC 173-340-360, selection of cleanup actions.

(c) WAC 173-340-400, implementation of the cleanup action.

(d) WAC 173-340-410, compliance monitoring requirements.

(e) WAC 173-340-420, periodic reviews.

(f) WAC 173-340-440, institutional controls.

(g) WAC 173-340-700 through 173-340-760, cleanup standards.

### **WAC 173-303-64630 Use of the Model Toxics Control Act.**

(1) The department may require the owner/operator of a facility to fulfill his corrective action responsibilities under subsection -64620 of this section using an enforceable action issued pursuant to the Model Toxics Control Act, as amended, (chapter 70.105D RCW) and its implementing regulations.

(2) Corrective action requirements imposed by the department in an action issued pursuant to the Model Toxics Control Act will be in compliance with the requirements of subsection -64620 of this section and the requirements of chapter 173-303 WAC to the extent required by RCW 70.105D.030 (2)(d) and WAC 173-340-710.

(3) In the case of facilities seeking or required to have a permit under the provisions of this chapter the department will incorporate corrective action requirements imposed pursuant to the Model Toxics Control Act into permits at the time of permit issuance. Such incorporation will in no way affect the timing or scope of review of the Model Toxics Control Act action.

**WAC 173-303-64640 Grandfathered corrective action management units (CAMUs).** In accordance with the requirements of this subsection, the department may designate an area at a facility as a corrective action management unit for the purpose of treating, storing or disposing of remediation waste that originates at the same facility in order to implement remedies under this section or to implement other cleanup actions. Corrective action management unit means an area within a facility that is used only for managing remediation wastes for implementing corrective action or cleanup at the facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

**WAC 173-303-64650 Corrective action management unit (CAMU).**

(1) Except as provided in paragraph (2) of this subsection, CAMUs are subject to the requirements of this subsection and subsections -64660 and -64670.

(2) CAMUs that were approved before April 22, 2002, or for which substantially complete applications (or equivalents) were submitted to the department on or before November 20, 2000, are subject to the requirements in subsection -64640 for grandfathered CAMUs; CAMU waste, activities, and design will not be subject to the standards in subsections -64650 and -64660, so long as the waste, activities, and design remain within the general scope of the CAMU as approved.

(3) In accordance with the requirements of this subsection and subsection -64660, the department may designate an area at a facility as a corrective action management unit for the purpose of treating, storing or disposing of CAMU-eligible waste that originates at the same facility in order to implement remedies under this section or to implement other cleanup actions. Corrective action management unit means an area within a facility that is used only for managing CAMU-eligible wastes for implementing corrective action or cleanup at the facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

(a) CAMU-eligible waste means:

(i) All solid and dangerous wastes, and all media (including ground water, surface water, soils, and sediments) and debris, that are managed for implementing cleanup. As-generated wastes (either dangerous or non-dangerous) from ongoing industrial operations at a site are not CAMU-eligible wastes.

(ii) Wastes that would otherwise meet the description in paragraph (3)(a)(i) of this subsection are not "CAMU-Eligible Wastes" where:

(A) The wastes are dangerous wastes found during cleanup in intact or substantially intact containers, tanks, or other non-land-based units found above ground, unless the wastes are first placed in the tanks, containers or non-land-based units as part of cleanup, or the containers or tanks are excavated during the course of cleanup; or

(B) The department exercises the discretion in paragraph (3)(b) of this subsection to prohibit the wastes from management in a CAMU.

(iii) Notwithstanding paragraph (3)(a)(i) of this sub-section, where appropriate, as-generated non-dangerous waste may be placed in a CAMU where such waste is being used to facilitate treatment or the performance of the CAMU.

(b) The department may prohibit, where appropriate, the placement of waste in a CAMU where the department has or receives information that such wastes have not been managed in compliance with applicable land disposal treatment standards of 40 CFR part 268, which is incorporated by reference at WAC 173-303-140(2)(a), or applicable unit design requirements of WAC 173-303-600, or applicable unit design requirements of WAC 173-303-400, or that non-compliance with other applicable requirements of this chapter likely contributed to the release of the waste.

(c) Prohibition against placing liquids in CAMUs.

(i) The placement of bulk or noncontainerized liquid dangerous waste or free liquids contained in dangerous waste (whether or not sorbents have been added) in any CAMU is prohibited except where placement of such wastes facilitates the remedy selected for the waste.

(ii) The requirements in WAC 173-303-140(4)(b)(ii) for placement of containers holding free liquids in landfills apply to placement in a CAMU except where placement facilitates the remedy selected for the waste.

(iii) The placement of any liquid which is not a dangerous waste in a CAMU is prohibited unless such placement facilitates the remedy selected for the waste or a demonstration is made pursuant to WAC 173-303-140(4)(b)(v).

(iv) The absence or presence of free liquids in either a containerized or a bulk waste must be determined in accordance with WAC 173-303-140(b)(iii). Sorbents used to treat free liquids in CAMUs must meet the requirements of WAC 173-303-140(4)(b)(iv).

(d) Placement of CAMU-eligible waste into or within a CAMU does not constitute land disposal of dangerous waste.

(e) Consolidation or placement of CAMU-eligible waste into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

(4) Designation of a CAMU will not in any way affect the department's existing authorities, including authority under chapter 70.105D RCW, to address clean-up levels, media-specific points of compliance, or other remedy selection decisions.

(5) Designation of a CAMU will not in any way affect the timing or scope of review of any actions taken under the Model Toxics Control Act pursuant to subsection -64630 of this section to fulfill the corrective action requirements of subsection -64620 of this section or the corrective action requirements of WAC 173-303-645.

**WAC 173-303-64660 Designation of a corrective action management unit.**

(1) The department must designate a CAMU that will be used for storage and/or treatment only in accordance with paragraph (4) of this subsection. When designating all other CAMUs, the department will do so in accordance with subsections -64650 and -64670 of this section, and the following:

(a) The CAMU will facilitate the implementation of reliable, effective, protective, and cost-

effective remedies;

(b) Waste management activities associated with the CAMU will not create unacceptable risks to humans or the environment resulting from exposure to dangerous wastes or dangerous constituents;

(c) The CAMU will include uncontaminated areas of the facility only if including such areas for the purposes of managing CAMU-eligible wastes is more protective than management of such wastes at contaminated areas of the facility;

(d) Areas within the CAMU where wastes remain in place after closure of the CAMU, will be managed and contained so as to minimize future releases of dangerous wastes and dangerous constituents to the extent practicable;

(e) When appropriate and practicable, the CAMU will expedite the timing of remedial activity implementation;

(f) The CAMU will enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

(g) The CAMU will, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

(2) The owner/operator must provide sufficient information to enable the department to designate a CAMU in accordance with the criteria in this subsection. This must include, unless not reasonably available, information on:

(a) The origin of the waste and how it was subsequently managed (including a description of the timing and circumstances surrounding the disposal and/or release);

(b) Whether the waste was listed or identified as dangerous at the time of disposal and/or release; and

(c) Whether the disposal and/or release of the waste occurred before or after the land disposal requirements of 40 CFR part 268, which are incorporated by reference at WAC 173-303-140(2)(a), were in effect for the waste listing or characteristic.

(3) When designating a CAMU, the department will specify, in the permit or order, requirements for the CAMU including the following:

(a) The areal configuration of the CAMU;

(b) Except as provided in paragraph (5) of this subsection, requirements for CAMU-eligible waste management within the CAMU including specification of applicable design, operation, treatment, and closure requirements;

(c) Minimum design requirements. CAMUs, except as provided in paragraph (4) of this subsection, into which wastes are placed must be designed in accordance with the following:

(i) Unless the department approves alternate requirements under paragraph (3)(c)(ii) of this subsection, CAMUs that consist of new, replacement, or laterally expanded units must include a composite liner and a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate over the liner. For purposes of this subsection, *composite liner* means a system consisting of two components; the upper component must consist of a minimum

30-mil flexible membrane liner (FML), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  cm/sec. FML components consisting of high density polyethylene (HDPE) must be at least 60 mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component;

(ii) Alternate requirements. The department may approve alternate requirements if:

(A) The department finds that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents into the ground water or surface water at least as effectively as the liner and leachate collection systems in paragraph (3)(c)(i) of this subsection; or

(B) The CAMU is to be established in an area with existing significant levels of contamination, and the department finds that an alternative design, including a design that does not include a liner, would prevent migration from the unit that would exceed long-term remedial goals.

(d) Minimum treatment requirements: Unless the wastes will be placed in a CAMU for storage and/or treatment only in accordance with paragraph (4) of this subsection, CAMU-eligible wastes that, absent this subsection, would be subject to the treatment requirements of 40 CFR part 268, which are incorporated by reference at WAC 173-303-140(2)(a), and that the department determines contain principal hazardous constituents must be treated to the standards specified in paragraph (3)(d)(iii) of this subsection.

(i) Principal hazardous constituents are those constituents that the department determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.

(A) In general, the department will designate as principal hazardous constituents:

(I) Carcinogens that pose a potential direct risk from ingestion or inhalation at the site at or above  $10^{-3}$ ; and

(II) Non-carcinogens that pose a potential direct risk from ingestion or inhalation at the site an order of magnitude or greater over their reference dose.

(B) The department will also designate constituents as principal hazardous constituents, where appropriate, when risks to human health and the environment posed by the potential migration of constituents in wastes to ground water are substantially higher than cleanup levels or goals at the site; when making such a designation, the department may consider such factors as constituent concentrations, and fate and transport characteristics under site conditions.

(C) The department may also designate other constituents as principal hazardous constituents that the department determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.

(ii) In determining which constituents are "principal hazardous constituents," the department must consider all constituents which, absent this section, would be subject to the treatment

requirements of 40 CFR part 268, which are incorporated by reference at WAC 173-303-140(2)(a).

(iii) Waste that the department determines contains principal hazardous constituents must meet treatment standards determined in accordance with paragraph (3)(d)(iv) or (3)(d)(v) of this subsection:

(iv) Treatment standards for wastes placed in CAMUs.

(A) For non-metals, treatment must achieve 90 percent reduction in total principal hazardous constituent concentrations, except as provided by paragraph (3)(d)(iv)(C) of this subsection.

(B) For metals, treatment must achieve 90 percent reduction in principal hazardous constituent concentrations as measured in leachate from the treated waste or media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by paragraph (3)(d)(iv)(C) of this subsection.

(C) When treatment of any principal hazardous constituent to a 90 percent reduction standard would result in a concentration less than 10 times the Universal Treatment Standard for that constituent, treatment to achieve constituent concentrations less than 10 times the Universal Treatment Standard is not required. Universal Treatment Standards are identified in 40 CFR 268.48 Table UTS, which is incorporated by reference at WAC 173-303-140(2)(a).

(D) For waste exhibiting the dangerous characteristic of ignitability, corrosivity or reactivity, the waste must also be treated to eliminate these characteristics.

(E) For debris, the debris must be treated in accordance with 40 CFR 268.45, which is incorporated by reference at WAC 173-303-140(2)(a), or by methods or to levels established under paragraphs (3)(d)(iv)(A) through (D) or paragraph (3)(d)(v) of this subsection, whichever the department determines is appropriate.

(F) Alternatives to TCLP. For metal bearing wastes for which metals removal treatment is not used, the department may specify a leaching test other than the TCLP (SW846 Method 1311, WAC 173-303-110(3)(a)) to measure treatment effectiveness, provided the department determines that an alternative leach testing protocol is appropriate for use, and that the alternative more accurately reflects conditions at the site that affect leaching.

(v) Adjusted standards. The department may adjust the treatment level or method in paragraph (3)(d)(iv) of this subsection to a higher or lower level, based on one or more of the following factors, as appropriate. The adjusted level or method must be protective of human health and the environment:

(A) The technical impracticability of treatment to the levels or by the methods in paragraph (3)(d)(iv) of this subsection;

(B) The levels or methods in paragraph (3)(d)(iv) of this subsection would result in concentrations of principal hazardous constituents (PHCs) that are significantly above or below



cleanup standards applicable to the site (established either site-specifically, or promulgated under state or federal law);

(C) The views of the affected local community on the treatment levels or methods in paragraph (3)(d)(iv) of this subsection as applied at the site, and, for treatment levels, the treatment methods necessary to achieve these levels;

(D) The short-term risks presented by the on-site treatment method necessary to achieve the levels or treatment methods in paragraph (3)(d)(iv) of this subsection;

(E) The long-term protection offered by the engineering design of the CAMU and related engineering controls:

(I) Where the treatment standards in paragraph (3)(d)(iv) of this subsection are substantially met and the principal hazardous constituents in the waste or residuals are of very low mobility; or

(II) Where cost-effective treatment has been used and the CAMU meets the liner and leachate collection requirements for new land disposal units at WAC 173-303-665(2)(h) and (j); or

(III) Where, after review of appropriate treatment technologies, the department determines that cost-effective treatment is not reasonably available, and the CAMU meets the liner and leachate collection requirements for new land disposal units at WAC 173-303-665(2)(h) and (j); or

(IV) Where cost-effective treatment has been used and the principal hazardous constituents in the treated wastes are of very low mobility; or

(V) Where, after review of appropriate treatment technologies, the department determines that cost-effective treatment is not reasonably available, the principal hazardous constituents in the wastes are of very low mobility, and either the CAMU meets or exceeds the liner standards for new, replacement, or laterally expanded CAMUs in paragraphs (3)(c)(i) and (ii) of this subsection, or the CAMU provides substantially equivalent or greater protection.

(vi) The treatment required by the treatment standards must be completed prior to, or within a reasonable time after, placement in the CAMU.

(vii) For the purpose of determining whether wastes placed in CAMUs have met site-specific treatment standards, the department may, as appropriate, specify a subset of the principal hazardous constituents in the waste as analytical surrogates for determining whether treatment standards have been met for other principal dangerous constituents. This specification will be based on the degree of difficulty of treatment and analysis of constituents with similar treatment properties.

(e) Except as provided in paragraph (4) of this subsection, requirements for ground water and/or vadose zone monitoring and corrective action that are sufficient to:

(i) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of dangerous waste and dangerous constituents in ground water from sources located within the CAMU; and

(ii) Detect and subsequently characterize releases of dangerous waste and dangerous constituents

to ground water that may occur from areas of the CAMU in which wastes will remain in place after CAMU closure.

(iii) Require notification to the department and corrective action as necessary to protect human health and the environment for releases to ground water from the CAMU.

(f) Except as provided in paragraph (4) of this subsection, requirements for closure will minimize the need for further maintenance.

(i) Requirements for closure will include, as appropriate and deemed necessary by the department, the following:

(A) Requirements for excavation, removal, treatment, and/or containment of wastes; and

(B) Requirements for removal and decontamination of equipment, devices, and structures used in CAMU-eligible waste management activities within the CAMU.

(ii) In establishing closure requirements for CAMUs under paragraph(3) of this subsection the department will consider the following factors:

(A) CAMU characteristics;

(B) Volume of wastes which will remain in place after CAMU closure;

(C) Potential for releases from the CAMU;

(D) Physical and chemical characteristics of the waste;

(E) Hydrological and other relevant environmental conditions at the facility which may influence the migration of any potential or actual releases in and/or from the CAMU; and

(F) Potential for exposure of humans and environmental receptors if releases were to occur at or from the CAMU.

(iii) Cap requirements:

(A) At final closure of the CAMU, for areas in which wastes will remain after closure of the CAMU, with constituent concentrations at or above remedial levels or goals applicable to the site, the owner or operator must cover the CAMU with a final cover designed and constructed to meet the following performance criteria, except as provided in paragraph (3)(f)(iii)(B) of this subsection:

(I) Provide long-term minimization of migration of liquids through the closed unit;

(II) Function with minimum maintenance;

(III) Promote drainage and minimize erosion or abrasion of the cover;

(IV) Accommodate settling and subsidence so that the cover's integrity is maintained; and

(V) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

(B) The department may determine that modifications to paragraph (3)(f)(iii)(A) of this subsection are needed to facilitate treatment or the performance of the CAMU (e.g., to promote biodegradation).

(iv) The department will, for areas of the CAMU in which wastes will remain in place after CAMU closure, specify post-closure requirements to control, minimize, or eliminate, to the extent necessary to protect human health and the environment, post-closure escape of dangerous

waste, dangerous constituents, leachate, contaminated runoff, and dangerous waste decomposition products to the ground, to ground waters, to surface waters, and to the atmosphere. Such post-closure requirements will include, as necessary to protect human health and the environment, monitoring and maintenance activities and the frequency with which such activities will be performed to ensure the integrity of any cap, final cover, or other containment system.

(4) CAMUs used for storage and/or treatment only are CAMUs in which wastes will not remain after closure. Such CAMUs must be designated in accordance with all of the requirements of this subsection, except as follows. (Note that staging piles requirement are incorporated by reference at WAC 173-303-64690.)

(a) CAMUs that are used for storage and/or treatment only and that operate in accordance with the time limits established in the staging pile regulations at 40 CFR 264.554(d)(1)(iii), (h), and (i) are subject to the requirements for staging piles at 40 CFR 264.554(d)(1)(i) and (ii), § 264.554(d)(2), § 264.554(e) and (f), and § 264.554(j) and (k) in lieu of the performance standards and requirements for CAMUs in this subsection at paragraphs (1) and (3)(c) through (f).

(b) CAMUs that are used for storage and/or treatment only and that do not operate in accordance with the time limits established in the staging pile regulations at 40 CFR 264.554(d)(1)(iii), (h), and (i):

(i) Must operate in accordance with a time limit, established by the department, that is no longer than necessary to achieve a timely remedy selected for the waste, and

(ii) Are subject to the requirements for staging piles at 40 CFR 264.554(d)(1)(i) and (ii), 264.554(d)(2), 264.554(e) and (f), and 264.554(j) and (k) in lieu of the performance standards and requirements for CAMUs in this subsection at paragraphs (1) and (3)(d) and (f).

(5) CAMUs into which wastes are placed where all wastes have constituent levels at or below remedial levels or goals applicable to the site do not have to comply with the requirements for liners at paragraph (3)(c)(i) of this subsection, caps at paragraph (3)(f)(iii) of this subsection, ground water monitoring requirements at paragraph (3)(e) of this subsection or, for treatment and/or storage-only CAMUs, the design standards at paragraph (4) of this subsection.

(6) The department must provide public notice and a reasonable opportunity for public comment before designating a CAMU. Such a notice will include the rationale for any proposed adjustments under paragraph (3)(d)(v) of this subsection to the treatment standards in paragraph (3)(d)(iv) of this subsection.

(7) Notwithstanding any other provision of this subsection, the department may impose additional requirements as necessary to protect human health and the environment.

(8) Incorporation of the designation of and requirements for a CAMU into a existing permit must be approved by the department according to the procedures for agency initiated permit modifications under WAC 173-303-830(3), or according to the permit modification procedures of WAC 173-303-830(4).

**WAC 173-303-64670 Incorporation of a regulated unit within a CAMU.**

(1) The department may designate a regulated unit (as defined in WAC 173-303-040) as a

CAMU, or may incorporate a regulated unit into a CAMU, if:

(a) The regulated unit is closed or closing, meaning it has begun the closure process under WAC 173-303-610 or 173-303-400; and

(b) Inclusion of the regulated unit will enhance implementation of effective, protective and reliable remedial actions at the facility.

(2) The requirements of WAC 173-303-610, 173-303-620, 173-303-645, and the unit specific requirements of WAC 173-303-650 through 173-303-680 that applied to the regulated unit will continue to apply to the portion of the CAMU into which the regulated unit was incorporated.

**WAC 173-303-64680 Temporary units (TUs).**

(1) In accordance with the requirements of this subsection, the department may designate a tank or container storage area at a facility as a temporary unit for the purpose of treating or storing remediation waste that originates at the same facility in order to implement remedies under this section or to implement other cleanup actions. The department may replace the design, operating and closure standards applicable to dangerous waste tank and container treatment and storage units under this chapter with alternative requirements that protect human health and the environment.

(2) Any temporary unit to which alternative requirements are applied in accordance with (1) of this subsection will be:

(a) Located within the facility boundary; and

(b) Used only for treatment or storage of remediation wastes managed pursuant to implementation of the corrective action requirements of subsection -64620 of this section at the facility.

(3) In establishing standards to be applied to a temporary unit, the department will consider the following factors:

(a) Length of time unit will be in operation;

(b) Type of unit;

(c) Volumes of wastes to be managed;

(d) Physical and chemical characteristics of the wastes to be managed in the unit;

(e) Potential for releases from the unit;

(f) Hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and

(g) Potential for exposure of humans and environmental receptors if releases were to occur from the unit.

(4) The department will specify the length of time, not to exceed one year, a temporary unit will be allowed to operate. The director will also specify design, operating, and closure requirements for the temporary unit.

(5) The department may extend the operating period of a temporary unit for up to one additional year, provided the director determines that:

(a) Continued operation of the unit will not pose a threat to human health and the environment; and

(b) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

(6) Incorporation of the designation of and requirements for a temporary unit or a time extension for a temporary unit into an existing permit will be:

(a) Approved in accordance with the procedures for agency-initiated permit modifications under

WAC 173-303-830(3); or

(b) Requested by the owner or operator as a Class II modification according to the procedures under WAC 173-303-830(4).

(7) The department will document the rationale for designating a temporary unit and for granting time extensions for temporary units and will make such documentation available to the public.

**WAC 173-303-64690 Staging piles.** The requirements for staging piles in 40 CFR Part 264.554 are incorporated by reference. The word "director" in 40 CFR means "department."

**WAC 173-303-646100 Disposal of CAMU-eligible wastes into permitted hazardous waste landfills.**

(1) The department may approve placement of CAMU-eligible wastes in hazardous waste landfills not located at the site from which the waste originated, without the wastes meeting the requirements of RCRA 40 CFR part 268, which is incorporated by reference at WAC 173-303-140(2), if the conditions in paragraphs (1)(a) through (c) of this subsection are met:

(a) The waste meets the definition of CAMU-eligible waste in WAC 173-303-64650(3)(a) and (b).

(b) The department identifies principal hazardous constituents in such waste, in accordance with WAC 173-303-64660(3)(d)(i) and (ii), and requires that such principal hazardous constituents are treated to any of the following standards specified for CAMU-eligible wastes:

(i) The treatment standards under WAC 173-303-64660(3)(d)(iv); or

(ii) Treatment standards adjusted in accordance with WAC 173-303-64660(3)(d)(v)(A), (C), (D) or (E)(I); or

(iii) Treatment standards adjusted in accordance with WAC 173-303-64660(3)(d)(v)(E)(II), where treatment has been used and that treatment significantly reduces the toxicity or mobility of the principal hazardous constituents in the waste, minimizing the short-term and long-term threat posed by the waste, including the threat at the remediation site.

(c) The landfill receiving the CAMU-eligible waste must have a RCRA hazardous waste permit, meet the requirements for new landfills in WAC 173-303-665 of this part, and be authorized to accept CAMU-eligible wastes; for the purposes of this requirement, "permit" does not include interim status.

(2) The person seeking approval must provide sufficient information to enable the department to approve placement of CAMU-eligible waste in accordance with paragraph (1) of this subsection. Information required by WAC 173-303-64660(2)(a) through (c) for CAMU applications must be provided, unless not reasonably available.

(3) The department must provide public notice and a reasonable opportunity for public comment before approving CAMU eligible waste for placement in an off-site permitted hazardous waste landfill, consistent with the requirements for CAMU approval at WAC 173-303-64660(6). The approval must be specific to a single remediation.

(4) Applicable dangerous waste management requirements in this part, including recordkeeping requirements to demonstrate compliance with treatment standards approved under this section, for CAMU-eligible waste must be incorporated into the receiving facility permit through permit issuance or a permit modification, providing notice and an opportunity for comment and a hearing. Notwithstanding WAC 173-303-810(8), a landfill may not receive CAMU-eligible waste under this subsection unless its permit specifically authorizes receipt of such waste.

(5) For each remediation, CAMU-eligible waste may not be placed in an off-site landfill authorized to receive CAMU-eligible waste in accordance with paragraph (4) of this subsection until the following additional conditions have been met:

(a) The landfill owner/operator notifies the Regional Administrator or the department responsible for oversight of the landfill and persons on the facility mailing list, maintained in accordance with WAC 173-303-840(3)(e)(i)(D), of his or her intent to receive CAMU-eligible waste in accordance with this subsection; the notice must identify the source of the remediation waste, the principal hazardous constituents in the waste, and treatment requirements.

(b) Persons on the facility mailing list may provide comments, including objections to the receipt of the CAMU-eligible waste, to the Regional Administrator or the responsible department within 15 days of notification.

(c) The Regional Administrator or the responsible department may object to the placement of the CAMU-eligible waste in the landfill within 30 days of notification; the Regional Administrator or the responsible department may extend the review period an additional 30 days because of public concerns or insufficient information.

(d) CAMU-eligible wastes may not be placed in the landfill until the Regional Administrator or the responsible department has notified the facility owner/operator that he or she does not object to its placement.

(e) If the Regional Administrator or the responsible department objects to the placement or does not notify the facility owner/operator that he or she has chosen not to object, the facility may not receive the waste, notwithstanding WAC 173-303-810(8), until the objection has been resolved, or the owner/operator obtains a permit modification in accordance with the procedures of WAC 173-303-830(4) specifically authorizing receipt of the waste.

(f) As part of the permit issuance or permit modification process of paragraph (4) of this subsection, the Regional Administrator or the responsible department may modify, reduce, or eliminate the notification requirements of this paragraph as they apply to specific categories of CAMU-eligible waste, based on minimal risk.

(6) Generators of CAMU-eligible wastes sent off-site to a hazardous waste landfill under this subsection must comply with the requirements of 40 CFR 268.7(a)(4), which is incorporated by reference at WAC 173-303-140(2); off-site facilities treating CAMU-eligible wastes to comply with this section must comply with the requirements of Sec. 268.7(b)(4), which is incorporated by reference at WAC 173-303-140(2), except that the certification must be with respect to the treatment requirements of paragraph (1)(b) of this subsection.

(7) For the purposes of this subsection only, the ``design of the CAMU" in WAC 173-303-64660(3)(d)(v)(E) means design of the permitted Subtitle C landfill.

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